

EXHIBIT X

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

LINDA JANN LEWIS, MADISON LEE,
ELLEN SWEETS, BENNY ALEXANDER,
GEORGE MORGAN, VOTO LATINO,
TEXAS STATE CONFERENCE OF THE
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,
and TEXAS ALLIANCE FOR RETIRED
AMERICANS,

Plaintiffs,

vs.

RUTH HUGHS, in her official capacity as
Texas Secretary of State,

Defendant.

Civil Action No. 5:20-cv-00577

Related to *Gloria et al. v. Hughs et al.*,
No. 5:20-cv-00527

**DECLARATION OF ELLEN SWEETS IN SUPPORT OF PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Pursuant to 20 U.S.C. § 1746, I, Ellen Sweets, declare as follows:

1. My name is Ellen Sweets. I am over the age of 18, have personal knowledge of the facts stated in this declaration, and can competently testify to their truth.

2. I live in Austin, Texas, and am a registered voter in Travis County. I am 79 years old. I worked as a newspaper reporter for the St. Louis American, St. Louis Post-Dispatch, Dallas Morning News, and Denver Post. I also was the Executive Director of the St. Louis Civil Rights Enforcement Agency for three years. In 2008, after I retired, I moved to Austin to write a book about Molly Ivins, a political columnist and activist. I've also volunteered for various non-profit organizations with a focus on social justice and women's rights since moving to Austin.

3. I have always made it a priority to exercise my right to vote. I have participated in every election since I turned 18, including every election in Texas in the past 12 years. In the past,

I have voted in person because I feel more confident that I will successfully cast my ballot and have it counted. I have voted by mail only once, many years ago when I lived abroad. I like the experience of voting in person and feeling a part of the democratic process amidst my fellow citizens.

4. Despite this preference, I have made the decision to vote by mail in the November general election because of the current public health crisis. I understand that I am eligible to vote by mail because I am over 65 years of age. I suffer from severe asthma, and my doctors have instructed me that this puts me at a much higher risk of grave complications from COVID-19 which is, of course, a respiratory illness itself. For this reason, my doctors have instructed me to shelter in place until the risk of contracting the virus diminishes. I have rarely left my apartment since early February, even having my essentials and groceries delivered to avoid exposing myself to the disease. With the growing numbers of COVID-19 cases in Texas and the likelihood of a resurgence in the fall, I doubt I will be able to safely leave my apartment anytime soon, perhaps not even before the end of the year.

5. Despite the fact that I will choose to vote by mail in November, I do not have great confidence that my mail-in ballot will be counted. I understand there to be several restrictions in Texas's election law that make it challenging for individuals to successfully vote by mail. Those restrictions—the Postage Tax, Ballot Receipt Deadline, Signature Match Requirement, and Voter Assistance Ban (together, “Challenged Provisions”—are the subject of this lawsuit. I believe that the Ballot Receipt Deadline, Signature Match Requirement, and Voter Assistance Ban will make it difficult for me to have my vote counted. Unfortunately, I have no other choice but to cast a mail-in ballot, as going to the polls and exposing myself to COVID-19 could literally be a matter of life and death.

6. I lack confidence in voting by mail in part because of the Ballot Receipt Deadline. Namely, I am concerned with the fact that USPS is overburdened and under-staffed, which has caused and will continue to cause delays in deliveries. I fear that I will not receive my mail-in ballot at all, or will receive it very close to the election, leaving me little time to mail it back with adequate time for it to arrive at the county before the deadline. I am also confused by the deadline: I understand that mail-in ballots must be postmarked by 7 p.m. on election day and received by the county by 5 p.m. the date after the election. This confuses me because it seems permissible to send the mail-in ballot back on election day, but there is no way that the ballot will arrive to the county the next day. I've noticed that mail typically takes at least a few days to reach its destination after being sent.

7. Furthermore, I am concerned about the Signature Match Requirement. On days when my asthma is very bad and I struggle to breathe I become easily fatigued, which I've noticed affects my handwriting. I am concerned that fluctuations in my handwriting because of fluctuations in my health will lead to my mail-in ballot being rejected because of signature mismatch, despite the fact that I personally signed my application to vote by mail and will personally sign the ballot carrier envelope in November. I believe it is very common for older people and people with disabilities to have changing handwriting and signatures. It occurs to me that the Signature Match Requirement may lead to older voters and disabled voters having their mail-in ballots rejected at a much higher rate than other mail-in voters. However, it is important for these populations to be heard to ensure that their interests are represented by elected officials. The enforcement of the Signature Match Requirement in November will affect my confidence in the election, and also my confidence that my interests will be represented by whoever wins each race in the election.

8. I believe that besides a person's health, there are few things more important than exercising the right to vote. I do not want to have to make a choice between my health and casting as ballot. I would feel more confident that my mail-in ballot and everyone else's mail-in ballot would be counted if people have more than one option for returning their mail-in ballot, including having trusted individuals collect those ballots and deliver them directly to the county election office. If the Voter Assistance Ban was overturned, I would ask a trusted friend to pick up my marked ballot and deliver it to the county. I would do that myself, but I have been instructed to shelter in place and I also have hip impairments that affect my mobility. Knowing that my ballot arrived before the Ballot Receipt Deadline would make me feel more confident that my vote will be counted.

9. While I have no other choice but to vote by mail in November's general election, the Challenged Provisions leave me with little confidence that my mail-in ballot will be counted. I fear that I will be disenfranchised in this very important election because I am unable to cast my ballot in-person. If Texas gives me the right to vote by mail, it should respect that right and not enforce laws that make voting by mail challenging at best and impossible at worst.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: June 15, 2020

By: 
 Ellen Sweets
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